

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

OPSEC SECURITY, INC.

Plaintiff,

vs.

MOORE WALLACE NORTH AMERICA,
INC., AND R.R. DONNELLEY & SONS
COMPANY,

Defendants.

Case No. _____

Patent #	6,837,960	6,632,533
	5,370,763	6,764,571
	6,364,994	7,204,909
	5,704,652	
	5,595,624	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, OpSec Security, Inc., by its undersigned counsel, files its Complaint against Defendants, Moore Wallace North America, Inc., and R.R. Donnelley & Sons Company, as follows:

NATURE OF THE ACTION AND SUBJECT MATTER JURISDICTION

1. This is an action for patent infringement, arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq. and in particular arising under 35 U.S.C. § 271. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 281 and 28 U.S.C. §§ 1331 because the actions asserted herein arise under the laws of the United States, 1338(a) because the actions asserted herein arise out of an Act of Congress relating to patents, and 1332 because there is complete diversity of citizenship between Plaintiff and all Defendants and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

R.E.G 1-19 S, Temporary Operating Permit Stickers. OPSEC's bid was received on September 29, 2008.

26. On or about September 30, 2008, OPSEC was given notice via the California State Contracts Register that the Temporary Operating Permit Sticker Contract had been awarded to MWNA.

27. On October 3, 2008, a representative of OPSEC visited the California Department of Motor Vehicles Contract Office to view the MWNA bid proposal and to examine samples of the Temporary Operating Permit Stickers submitted by MWNA as part of its bid.

28. An inspection of the MWNA Temporary Operating Permit Sticker revealed that its construction infringes the OPSEC patents in several respects, including, but not limited to, the fact that the MWNA Temporary Operating Permit Sticker includes a full hologram over which is written variable information and which is then covered by what is believed to be a write-resistant covering.

COUNT I
PATENT INFRINGEMENT
('960 PATENT)

29. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 28 of this Complaint.

30. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '960 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '960 Patent and Defendants will continue to do so unless enjoined by this Court.

36. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '763 Patent.

37. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

38. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT III
PATENT INFRINGEMENT
('994 PATENT)

39. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 38 of this Complaint.

40. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '994 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '994 Patent and Defendants will continue to do so unless enjoined by this Court.

46. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '652 Patent.

47. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

48. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT V
PATENT INFRINGEMENT
'624 PATENT

49. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 48 of this Complaint.

50. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '624 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '624 Patent and Defendants will continue to do so unless enjoined by this Court.

51. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '624 Patent.

52. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

53. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT VI
PATENT INFRINGEMENT
'533 PATENT

54. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 53 of this Complaint.

55. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '533 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '533 Patent and Defendants will continue to do so unless enjoined by this Court.

56. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '533 Patent.

57. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

58. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT VII
PATENT INFRINGEMENT
'571 PATENT

59. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 58 of this Complaint.

60. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '571 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '571 Patent and Defendants will continue to do so unless enjoined by this Court.

61. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '571 Patent.

62. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

63. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

COUNT VIII
PATENT INFRINGEMENT
'909 PATENT

64. OPSEC realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 63 of this Complaint.

65. Defendants have infringed and are infringing, have induced and are inducing others to infringe and/or have contributed and are contributing to the infringement by others of the '909 Patent by making, using, offering for sale, importing or selling in the United States temporary motor vehicle tags that infringe the '909 Patent and Defendants will continue to do so unless enjoined by this Court.

66. Defendants' infringement is willful and in deliberate disregard of OPSEC's rights under the '909 Patent.

67. As a direct and proximate consequence of Defendants' acts and practices, OPSEC has been, is being, and, unless such acts and practices are enjoined by this Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which OPSEC is entitled to relief under 35 U.S.C. § 284, including reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

68. By reason of the acts and practices alleged herein, Defendants have caused, are causing, and, unless such acts and practices are enjoined by this Court, will continue to cause immediate and irreparable harm to OPSEC for which OPSEC has no adequate remedy at law and for which OPSEC is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, OPSEC prays for relief against the Defendants as follows:

- A. For judgment declaring that Defendants have infringed, induced the infringement of, or contributorily infringed United States Patent No.'s 6,837,960; 5,370,763; 6,364,994; 5,704,652; 5,595,624; 6,632,533; 6,764,571; and 7,204,909 and that such infringements have been willful;
- B. For a temporary restraining order and preliminary and permanent injunction requiring Defendants to recall all of the infringing temporary vehicle tags, and enjoining Defendants, their officers,

agents, servants, representatives, employees, attorneys, privies, successors and assigns, and all persons and entities holding by, through, or under them, and all those acting for or on their behalf, or acting in concert with them, from directly or indirectly making or causing to be made, importing, causing to be imported, using, or causing to be used, offered for sale, or causing to be offered for sale, or selling, or causing to be sold the infringing temporary vehicle tags, or any other product which infringes any of OPSEC's United States patents and from any further infringement, contributory infringement or inducement of infringement, of any of OPSEC's United States patents as authorized by 35 U.S.C. § 283;

C. For monetary relief as follows:

1. A judgment requiring the Defendants to pay OPSEC damages adequate to compensate for the infringements, but in no event less than a reasonable royalty for the use made of OPSEC's inventions by the Defendants, together with interest and costs as fixed by the Court, caused by reason of the Defendants' infringement, inducement of infringement, or contributory infringement of any of OPSEC's United States patents as authorized by 35 U.S.C. § 284; and
2. A judgment awarding OPSEC increased damages in view of the Defendants' intentional, willful and wanton violation of OPSEC's Patents, as well as prejudgment interest, plus

PARTIES

2. OpSec Security, Inc. ("OPSEC") is a corporation organized and existing under the laws of the State of Colorado with its principal place of business located at 535 16th Street, Suite 920, Denver, Colorado 80202. OPSEC is the owner of numerous patents related to motor vehicle temporary tag technology.

3. Moore Wallace North America, Inc. ("MWNA") is a corporation organized under the laws of the State of Delaware with its principal place of business located at 1200 Lakeside Drive, Bannockburn, Illinois 60015. MWNA is wholly owned and controlled by R.R. Donnelley & Sons Company and is engaged in numerous business activities including, but not limited to, the making, offering for sale, selling and use of the inventions relating to temporary motor vehicle tags as set forth in one or more of the claims of certain United States patents owned by OPSEC as described more fully hereinbelow.

4. R.R. Donnelley & Sons Company ("RRD") is a corporation organized under the laws of the State of Delaware with its principal place of business located at 111 South Wacker Drive, Chicago, Illinois 60606. RRD is a multi-national corporation which transacts business in numerous states within the United States, including the Commonwealth of Pennsylvania.

5. MWNA and RRD are hereinafter sometimes collectively referred to as "the Defendants." The Defendants have acted in concert in the conduct which constitutes the acts of infringement set forth hereinbelow.

OPSEC's costs, expenses and attorneys' fees in this action
as authorized by 35 U.S.C. §§ 284 and 285.

D. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Mark A. Willard

Mark A. Willard, Esq.

Pa. I.D. No. 18103

David V. Radack, Esq.

Pa. I.D. No. 39633

Eckert Seamans Cherin & Mellott

Firm No. 075

U.S. Steel Tower, 44th Floor

600 Grant Street

Pittsburgh, PA 15219.2788

(412) 566.6000

Attorneys for Plaintiff, OpSec Security, Inc.

Dated: October 7, 2008.

OJS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS <u>OPSEC SECURITY, INC.</u></p> <p>(b) County of Residence of First Listed <u>N/A</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys <u>Mark A. Willard, Esq. and David V. Radack, Esq.</u></p> <p><u>Eckert, Seamans, Cherin & Mellott, 600 Grant Street, 44th Fl., Pgh, PA (412) 566-6171</u> (Firm Name, Address, and Telephone Number)</p>	<p>DEFENDANTS <u>MOORE WALLACE NORTH AMERICA, INC., ET AL</u></p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys <u>Mark A. Willard, Esq. and Audrey K. Kwak, Esq.</u></p> <p>Attorneys (If Known) _____</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated or Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated or Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input checked="" type="checkbox"/> 840 Trademark</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Arbitration</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 250 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HRA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIW C/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) _____ ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 35 U.S.C. 271

Brief description of cause: Trademark Infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Excess of \$75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 10/07/08 SIGNATURE OF ATTORNEY OF RECORD /s/ Mark A. Willard

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the ☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. ERIE CALENDAR - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.

2. JOHNSTOWN CALENDAR - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.

3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in _____ County and
that the _____ resides in _____ County.4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in _____ County
and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____ Judge _____
2. ☒ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

1. CIVIL CATEGORY (Place x in only applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas Corpus
4. ☐ Civil Rights
5. ☒ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.BA. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

DATE 10/07/08 ATTORNEY AT LAW /s/ Mark A. Willard

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

JS 44 Reverse (Rev. 11/04)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts. Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable
diversity.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

PERSONAL JURISDICTION AND VENUE

6. Defendants are subject to the personal jurisdiction of this Court pursuant to 42 Pa.C.S. § 5322, because Defendants conduct business activities which constitute transacting business within the Commonwealth of Pennsylvania in accordance with 42 Pa.C.S. § 5321(a) and are subject to the jurisdiction of this Court to the fullest extent allowed under the Constitution of the United States in accordance with 42 Pa.C.S. § 5322(b).

7. Venue over this action is proper in this Court pursuant to 28 U.S.C. §§ 1391(a), 1391(b), and 1400(b), because this Judicial District is a judicial district in which a substantial part of the events giving rise to the claims asserted herein occurred, because Defendants are subject to personal jurisdiction within this Judicial District and therefore, reside within this Judicial District and, because Defendants conduct a systematic and regular business activity within this Judicial District.

FACTS COMMON TO ALL COUNTS

THE OPSEC PATENTS

PATENT NO. 6,837,960

8. On January 4, 2005, United States Patent No. 6,837,960 ("the '960 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, *inter alia*, a tamper evident informational article such as a temporary vehicle registration which may be made of paper or paperboard wherein the informational article has a zone for inserting information in a pattern within said zone which will resist effective counterfeiting and a transparent tape which preferably has a silicone resin coating which contains a wax and is adhesively secured over the information contained within

the zone. A true and correct copy of the '960 Patent is attached to this Complaint as Exhibit "A" and is incorporated herein by reference.

9. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "B", OPSEC is the owner of the '960 Patent, the '960 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

PATENT NO. 5,370,763

10. On December 6, 1994, United States Patent No. 5,370,763 ("the '763 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, *inter alia*, a tamper evident informational article such as a temporary vehicle registration which may be made of paper or paperboard, which informational article has a zone for inserting information and a pattern within said zone which will resist effective counterfeiting and a transparent tape which preferably has a silicone resin coating which contains a wax adhesively secured over the information contained within the zone. A true and correct copy of the '763 Patent is attached to this Complaint as Exhibit "C" and is incorporated herein by reference.

11. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "D", OPSEC is the owner of the '763 Patent, the '763 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

'652 Patent is attached to this Complaint as Exhibit "G" and is incorporated herein by reference.

15. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "H", OPSEC is the owner of the '652 Patent, the '652 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

PATENT NO. 5,595,624

16. On January 21, 1997, United States Patent No. 5,595,624 ("the '624 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, inter alia, a method of protecting an informational article on which variable information is inserted, from photocopy duplication and alternation which method comprises providing an informational article substrate, having a zone for inserting the variable information and a refractive image disposed within the zone wherein variable information is inserted in the zone and transparent tape is secured over the variable information, which transparent tape has a write-resistant exposed surface, such that the refractive image will resist photocopy duplication or the variable information article and the write-resistant exposed surface will resist alteration of the inserted variable information. A true and correct copy of the '624 Patent is attached to this Complaint as Exhibit "I" and is incorporated herein by reference.

17. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "J", OPSEC is the owner of the

'624 Patent, the '624 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

PATENT NO. 6,632,533

18. On or about October 14, 2003, United States Patent No. 6,632,533 ("the '533 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, *inter alia*, a tamper evident informational article, such as a temporary vehicle registration which may be made of paper or paperboard which informational article has a zone for inserting information and a pattern within said zone which will resist effective counterfeiting and a transparent tape which preferably has a silicone resin coating which contains a wax adhesively secured over the information contained within the zone. A true and correct copy of the '533 Patent is attached to this Complaint as Exhibit "K" and is incorporated herein by reference.

19. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "L", OPSEC is the owner of the '533 Patent, the '533 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

PATENT NO. 6,764,571

20. On July 20, 2004, United States Patent No. 6,769,571 ("the '571 Patent") was duly and validly issued to Yoram Curiel for an invention relating to, *inter alia*, a tamper evident information article, such as a temporary vehicle registration which may be made of paper or paperboard which information article includes a substrate, having a

zone for inserting information and a refractive image disposed within the zone and a covering secured to at least a portion of the zone in such a way that efforts to remove the covering from the substrate will result in removal of a portion of the refractive image. A true and correct copy of the '571 Patent is attached to this Complaint as Exhibit "M" and is incorporated herein by this reference.

21. Through a series of assignments from Yoram Curiel to others and ultimately to OPSEC as shown in the "Patent Bibliographic Data" and "Patent Assignment Abstract of Title" attached hereto as Exhibit "N", OPSEC is the owner of the '571 Patent, the '571 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

PATENT NO. 7,204,909

22. On April 17, 2007, United States Patent NO. 7,204,909 ("the '909 Patent") was duly and validly issued to Yoram Curiel and Mark Timothy Turnage for an invention relating to, inter alia, an informational article on which variable information is inserted, which informational article includes a substrate having a zone for inserting the variable information and a visual security device, such as an optically variable ink, a special film, or combination thereof disposed in the zone on the substrate with the visual security device sized and arranged such that at least a portion of the variable information is adapted to being inserted over the visual security device. A true and correct copy of the '909 Patent is attached to this Complaint as Exhibit "O" and is incorporated herein by this reference.

23. Through a series of assignments from Yoram Curiel and Mark Timothy Turnage to OPSEC as shown in the "Patent Assignment Abstract of Title" attached

hereto as Exhibit "P", OPSEC is the owner of the '909 Patent, the '909 Patent is currently subsisting and OPSEC is the real party in interest with the right to seek the relief requested in this Complaint.

24. As the owner of the foregoing United States patents that relate to temporary vehicle tags (the "OPSEC Patents"), OPSEC makes and sells temporary motor vehicle tags to numerous state motor vehicle departments throughout the United States including the Commonwealth of Pennsylvania. Although there are certain minor variations in the temporary vehicle tags sold from state to state, in general, such temporary vehicle tags include a substrate made typically of paper or cardboard, having a zone for inserting variable information, typically an expiration date in the form of mm/dd/yyyy. The zone has disposed therein a refractive image, such as a strip or holographic tape. The expiration date of the temporary motor vehicle tag is written overtop of the refractive strip. After the expiration date is written, the refractive strip can then be, optionally, covered by a transparent tape, which preferably has a "write-resist" covering. The refractive strip and the write-resist surface of the transparent tape combined resists both photocopy duplication of the temporary vehicle tag and alteration of the inserted expiration date. This temporary motor vehicle tag product, which has been sold by OPSEC for over ten (10) years, has been a major success in the market, as evidenced by the fact that numerous state motor vehicle departments have adopted OPSEC's patented technology for use as their temporary motor vehicle tags.

25. On or about September 26, 2008, OPSEC submitted a bid to the California Department of Motor Vehicles to sell and supply Temporary Operating Permit Stickers to the California Department of Motor Vehicles under Contract N. 08-146 for